



## **NOTICE**

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The original documents referenced in this file are available for inspection in the Office of the City Clerk, 215 Church Avenue, Room 456, Municipal Building, Roanoke, Virginia 24011.

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Mary F. Parker  
City Clerk



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***September 17, 2001  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend Amos Rideout, Pastor, South Roanoke United Methodist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, September 20, 2001, at 7:00 p.m., and Saturday, September 22, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [www.roanokegov.com](http://www.roanokegov.com), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.**

## **PRESENTATIONS:**

A RESOLUTION recognizing the services of Robert H. Bird as Municipal Auditor for the City of Roanoke.

Proclamation declaring the month of October as “National Disability Employment Awareness Month”.

## **2. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1           A communication from Mayor Ralph K. Smith requesting that Council convene in Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1) , Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

- C-2           A communication from Council Member C. Nelson Harris, Chair, Personnel Committee, requesting that Council meet in Closed Session to discuss appointment of a new Municipal Auditor, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

- C-3           A communication from William G. Light tendering his resignation as a member of the Board of Zoning Appeals, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept resignation.

- C-4            Qualification of Margaret C. Thompson as a member of the Human Services Committee for a term ending June 30, 2002.

RECOMMENDED ACTION:    Receive and file.

### **REGULAR AGENDA**

#### **3. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

- a.     Request to present an update on the Master Plan for the Roanoke Valley Cultural Institutions.    Susan Jennings, Executive Director, The Arts Council of the Blue Ridge.

#### **4. PETITIONS AND COMMUNICATIONS:    NONE.**

#### **5. REPORTS OF OFFICERS:**

- a.     CITY MANAGER:

BRIEFINGS: NONE.

#### ITEMS RECOMMENDED FOR ACTION:

- 1.     A communication recommending acceptance of the bid submitted by Magic City Motor Corporation for purchase of automobiles for the Fire and Police Departments, in the amount of \$435,537.00.
- 2.     A communication with regard to competitive negotiation for goods and services.
- 3.     A communication recommending authorization to continue services of the Outstationed Eligibility Worker at the Health Department; and appropriation of \$33,234.00 in connection therewith.

4. A communication recommending appropriation of \$117,490.00 in connection with the Fifth District Employment and Training Consortium Welfare to Work program.
5. A communication recommending adoption and implementation of a policy on HUD funds as part of the budgeting process for Fiscal Year 2002-2003.
6. A communication recommending execution of certain documents accepting the Office on Youth grant; and appropriation of \$40,705.00 in connection therewith.
7. A communication recommending acceptance of the bid submitted by Horner Flooring Co., Inc., for a portable basketball floor at the Roanoke Civic Center, in the amount of \$78,500.00.
8. A communication recommending execution of an Agreement with Roanoke Foundation for Downtown, Inc., for the Mounted Patrol Unit.
9. A communication recommending acceptance of the bid of Hoffend South, Inc., for a new fire curtain at the Roanoke Civic Center, in the amount of \$76,786.00.
10. A communication with regard to amendment of Section 36.1-640 of the Code of the City of Roanoke (1979), as amended, with regard to Architectural Review Board appointments.
11. A communication with regard to an amendment to the zoning ordinance providing for printing establishments in C-2, C-3, and LM districts; and the scheduling of a joint public hearing by the City Planning Commission and City Council on Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard.

b. CITY ATTORNEY:

1. A report transmitting a measure in connection with authorizing the Municipal Auditor to perform audits of records and affairs of the Roanoke City School Board.

c. DIRECTOR OF FINANCE:

1. A report in connection with the sale of property in which assessed real estate taxes have remained delinquent for one year.

**6. REPORTS OF COMMITTEES:**

- a. A report of the City Planning Commission recommending adoption of a resolution renaming the Second Street Bridge as Gainsboro Bridge.

**7. UNFINISHED BUSINESS: NONE.**

**8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**9. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

**10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**CERTIFICATION OF CLOSED SESSION.**





***JOINT MEETING  
CITY COUNCIL/BOARD OF ZONING APPEALS***

***5:00 p.m.***

***EMERGENCY OPERATIONS CENTER  
CONFERENCE ROOM***

- 1. Introduction and General Comments. Kenneth L. Motley, Chair, Board of Zoning Appeals.**
- 2. Presentation of Annual Report. Mr. Motley.**
- 3. Overview of roles and responsibilities of the Board of Zoning Appeals. Mr. Motley.**
- 4. Discussion issues by Members of the Board of Zoning Appeals. Mr. Motley.**
- 5. General Discussion. City Council/Board of Zoning Appeals.**

**THE ROANOKE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***September 17, 2001  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

**Call to Order -- Roll Call.**

The Invocation will be delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Tonight's meeting will be replayed on Channel 3 on Thursday, September 20, 2001, at 7:00 p.m., and Saturday, September 22, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **A. PUBLIC HEARINGS:**

1. Public hearing on the request of Messrs. Larry Bly and W. Martin Hall that property located at 322 Bullitt Avenue, S. E., identified as Official Tax No. 4012516, be rezoned from LM, Light Manufacturing District, to C-1, Office District. Eric R. Spencer, Spokesperson.
2. Public hearing on the request of Kayser Properties, LLC, that a portion of Old Thirlane Road, N. W., bounded on the west by I-581 and the east by property identified as Official Tax No. 6520106, be permanently vacated, discontinued and closed. Jon Hager, Vice-President, Ventures, Ltd., Spokesperson.
3. Public hearing on the request of Lewis J. Pillis that a 12-foot wide alley extending between 2701 - 2729 Richelieu Avenue, S. W., identified as Official Tax Nos. 1062312 - 1062318, inclusive, be permanently vacated, discontinued and closed. Lewis J. Pillis, Spokesperson.
4. Public hearing with regard to participation in the 2001 Interest Rate Subsidy Program Bond Sale - VPSA School Financing Bonds, Series 2001B, to be used for improvements at Fairview Elementary School and Fishburn Park Elementary School. Richard L. Kelley, Assistant Superintendent for Operations, Roanoke City Public Schools, Spokesperson.
5. Public hearing with regard to granting an easement across City-owned property to CoxCom, Inc., d/b/a Cox Communications Roanoke, for the purpose of constructing, owning, and operating a communication line. Darlene L. Burcham, City Manager.
6. Public hearing with regard to the proposed vacation of a public easement on Churchill Drive, N. W. Darlene L. Burcham, City Manager.

**B. OTHER HEARING OF CITIZENS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to Robert Harold Bird, Municipal Auditor for the City of Roanoke, and expressing to him the appreciation of this City and its people for his exemplary public service.

WHEREAS, Robert Harold Bird has announced his retirement as Municipal Auditor effective September 28, 2001;

WHEREAS, Robert Harold Bird came to the City in September 1980 as a Programmer I in the City Information Systems (CIS) Department; and

WHEREAS, in June 1981, Mr. Bird joined the Municipal Auditing Department as an auditor and, after one year, returned to CIS as a Quality Assurance Analyst; and

WHEREAS, Mr. Bird held several other positions in CIS and returned to Municipal Auditing in November 1986 as an EDP Auditor; and

WHEREAS, in May 1987, Mr. Bird was promoted to Assistant Municipal Auditor, and after the 1990 retirement of William L. Brogan, Mr. Bird applied for and was appointed to the position of Municipal Auditor in February 1991; and

WHEREAS, Mr. Bird is a Certified Internal Auditor, a CISA-Certified Information Systems Auditor, a member of the Institute of Internal Auditors, and a charter member of the Virginia Local Government Auditors Association; and

WHEREAS, Mr. Bird has served as a member of the City's Leadership Team and the

Information Technology Committee since its inception; and

WHEREAS, Mr. Bird faithfully served Roanoke and its citizens for 21 years.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this means of recognizing and commending the many years of service rendered to the City of Roanoke and its people by Robert Harold Bird.
2. The City Clerk is directed to transmit an attested copy of this resolution to Mr. Bird.

ATTEST:

City Clerk.

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Purchase of Police and  
Fire Department Automobiles  
Bid No. 01-07-71

Background:

Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need for seventeen (17) automobiles for the Police Department and two (2) automobiles for the Fire Department.

Specifications were developed and, along with an Invitation for Bid, were specifically sent to ten (10) providers. The bid was publicly advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke.

Considerations:

One (1) bid from Magic City Motor Corporation, Roanoke, Virginia, was received and evaluated. The bid met all required specifications with a total cost of \$435,537.00.

Recommended Action:

Award the bid to Magic City Motor Corporation and authorize the issuance of purchase orders for a total cost of \$435,537.00. Funding is available in account #017-440-2642-9010.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Barry L. Key, Director of OMB  
D. Darwin Roupe, Director of General Services  
Robert L. White, Purchasing Manager

CM01-00202



September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Competitive Negotiations  
For Goods and Services

Background:

The City desires the opportunity to consider entering into a contractual agreement with goods and service providers for the following:

- ? Supplies, materials and repair parts for the Fleet Management operation.
- ? Rental service for cars, light trucks and vans for out of town travel.
- ? Travel agency service.
- ? Management and operation services for any City owned or controlled parking facilities.

Although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in the above cases. The experience, qualifications, and references of firms that can provide the above listed goods and services are of equal, if not greater, importance than the cost. Issues of volume discounts, billing, quality of reports, electronic media capability and pricing advantages are of vast importance in the areas of goods for Fleet Management, rental service and travel agency service. Additional issues, other than price, for fleet repair parts are guaranteed parts availability to reduce downtime and cost avoidance in reduced inventory cost, inventory carrying cost and in the elimination of multiple parts orders

and payment thereof. The procurement of parking management and operation services must include a means to evaluate the quality of services to be provided in areas such as customer responsiveness, manpower allocation and financial management. Therefore, the process of competitive negotiation using the request for proposal

process has been identified as the best method for procurement of these goods and services.

Considerations:

The Code of the City of Roanoke provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation." Prior approval by Council is necessary before the alternate method may be used. See City Code Section 23.1-4 (e). This method will allow for negotiations with two (2) or more providers to determine the best qualified at the most competitive price or rate.

Recommended Action:

City Council authorize the use of competitive negotiation as the method to secure vendors to provide appropriate goods and services as identified in this letter.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
D. Darwin Roupe, Director of General Services  
Barry L. Key, Director of OMB  
Robert L. White, Purchasing Manager

CM01-00206

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carter, Vice-Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr. Council Member  
Honorable William White, Sr. Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of Council:

Subject: Funding for Restricted Eligibility  
Worker

Background:

Roanoke Department of Social Services and the State Health Department entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be placed at the Roanoke Health Department to assure that all citizens have an opportunity to apply for Medicaid. The Agreement remains in effect until modified by mutual consent or operation of law (see attachment).

There is no local cost for this position. Approximately 50% of the cost is reimbursed from federal Medicaid administrative funds and the Health Department reimburses the remaining cost.

Considerations:

Roanoke Health Department is satisfied with the results of having this position on location and wishes to continue the services (see attachment).

Recommendations:

Authorize the City Manager to continue the services of the Outstationed Eligibility Worker at the Health Department in accordance with the original agreement, and appropriate \$33,234 for FY01/02 to revenue and expenditure accounts to be established in the Grant Fund by the Director of Finance. The expenditures to be funded are as follows:

? Salary	\$26,411.00
? City Retirement	1,667.00
? ICMA Match	260.00
? FICA	1,911.00
? Health Ins.	2,520.00
? Dental Ins.	202.00
? Life Ins.	213.00
? Disability Ins.	<u>50.00</u>
	\$33,234.00

Respectfully submitted,

Darlene L. Burcham  
City Manager

GDR:rji

cc: Rolanda A. Johnson, Assistant City Manager for Community Development  
Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Glenn D. Radcliffe, Director of Human/Social Services  
Molly O'Dell, M.D., Director of Health Department

CM01-00203

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Welfare To Work  
Funding for the Fifth District  
Employment and Training  
Consortium

Background:

The Fifth District Employment and Training Consortium (FDETC) administers the federally funded Workforce Investment Act (WIA) for the region, which encompasses the counties of Alleghany, Botetourt, Craig, Franklin and Roanoke as well as the cities of Covington, Roanoke and Salem. WIA funding is for two primary client populations:

- dislocated workers who have been laid off from employment through no fault of their own, and
- economically disadvantaged individuals as determined by household income guidelines set by the U.S. Department of Labor .

The City of Roanoke is the grant recipient and fiscal agent for FDETC funding, thus, City Council must appropriate the funding for all grants and other monies the FDETC receives.

The state office of the Virginia Department of Social Services has sent the Consortium a notice of additional monies for the operation of the Welfare to Work Program. These are additional funds which increased the amount of the original grants. These funds were reallocated because of the changes made in the Workforce Investment Areas statewide.

- A. FY-98 Grant was increased by \$59,492. The original contract expired on June 30, 2001. An extension of twenty-four months has been granted. The contract extension period will begin June 30, 2001 and end on June 30, 2003. All scope of work and all terms and conditions of the original contract remain the same during the contract extension period.
- B. FY-99 Grant was increased by \$57,998. The contract period for this grant is October 1, 1999 through June 30, 2002. An extension of this contract is expected.

Considerations:

- ? Program Operations - Existing activities will continue and planned programs will be implemented.
- ? Funding - Funds are available from the Grantor agency and other sources as indicated, at no additional cost to the City.
- ? Timing - Immediate action will allow transition activities to be implemented and completed within planned time frames, July 1, 2001 through June 30, 2002.

Recommended Action:

Appropriate the FDETC's funding totaling \$117,490 and increase the revenue estimate by \$117,490 in accounts to be established in the Consortium fund by the Director of Finance.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:wc

c: Rolanda A. Johnson, Assistant City Manager for Community Development  
Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Glenn D. Radcliffe, Director of Human/Social Services

CM01-00208

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Policy on HUD Funds

Background:

The City of Roanoke is an entitlement community under the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Shelter Grant (ESG) programs of the U.S. Department of Housing and Urban Development (HUD). Each fiscal year, about \$4 million in HUD funds are available to the City, including new grants, anticipated program income and funds unexpended from prior years. As discussed with City Council during the FY 2001-2002 budget study, the HUD funds policy proposed for adoption by City Council sets guidelines for budgeting and distributing these funds for housing, neighborhood and economic development, human services and other community needs.

Considerations:

This recommended policy replaces the previous "HUD Funds Allocation Policy" which was prepared at City Council's request in 1998. The new policy emphasizes using the City's HUD funds to bring about change by targeting activities of defined scope and duration, rather than by supporting on-going programs. A key provision of the new policy places a three-year limit for funding any noncapital program of an on-going nature. The policy supports the intent to make demonstrable change in the community by orienting the budgeting process toward making fewer, but larger, awards. Greater expectations will be placed upon activities to leverage other resources, especially financial assistance from the private sector, and to create collaborations with other community organizations and stakeholders.

The recommended policy is designed to place increasing emphasis on addressing the City's housing needs, particularly affordable housing. Historically, about 50% of the City's combined CDBG, HOME and ESG funding has been used for housing activities. Under the new policy, housing activities will take up over 70% of these funds. In addition, in the past housing



activities have been conducted by several agencies in various areas of the City. The intent of the new policy is that fewer agencies receive larger concentrations of the housing funds to conduct projects initiated or specified by the City in targeted areas. The desired result is that a visible impact be achieved in the targeted neighborhoods, helping to draw in private development to broaden the impact.

Recommended Action:

Adopt the policy on HUD funds and authorize the City Manager to implement the policy as part of the budgeting process for Fiscal Year 2002-2003.

Respectfully submitted,

Darlene L. Burcham  
City Manager

Attachments: 1

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Barry L. Key, Director of Management and Budget  
Alicia F. Stone, Budget Administrator  
Frank E. Baratta, Budget Team Leader

CM01-00210

# DRAFT

(Updated as of 9/6/01)

## The Council of the City of Roanoke, Virginia

### Policy on HUD Funds

**Preamble:** Each year, the City of Roanoke receives approximately \$3 million in new entitlement grants under the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Shelter Grant (ESG) programs of the U.S. Department of Housing and Urban Development (HUD). Including income earned through the operation of these programs and unexpended prior-year entitlement funds, a total of approximately \$4 million in HUD funds may be available to the City for a given fiscal year. This policy sets forth guidelines for the budgeting and distribution of these HUD funds.

**Mission:** In recognition of the many needs of the City and its limited resources, the primary mission of the City's HUD funds shall be to act as a catalyst for change by providing seed funding for eligible projects and programs and to attract other resources, especially those of the private sector. In carrying out this mission, the HUD budgeting process shall identify capable organizations to carry out targeted efforts, rather than to support on-going activities.

#### **It shall be the policy of the Council of the City of Roanoke, Virginia, that:**

1. All CDBG, HOME and ESG funds available to the City shall be used only for programs and projects which support the aims and intent of City Council's "Vision" statement. Further, these funds will be used to promote strategies in the City's Comprehensive Plan and HUD's national goals.
2. With respect to allocating the City's CDBG, HOME and ESG funds:
  - a. Of the CDBG funds available, the following targets are designated:
    - (1) For the 2002-2003 period: 35% for "housing"; 25% for "neighborhood development"; 20% for "economic development"; 10% for "human services"; and 10% for "planning and administration."
    - (2) For the 2003-2004 period: 60% for "housing"; 10% for "neighborhood development"; 15% for "economic development"; 10% for "human services"; and 5% for "planning and administration." (In budgeting for the 2003-2004 period and thereafter, it is intended that the housing projects funded be those which are City initiated or developed and that the neighborhood development funding be available for use by the City as well as community agencies.)
    - (3) For the 2004-2005 period and after: 65% for "housing"; 5% for "neighborhood development"; 15% for "economic development"; 10% for "human services"; and 5% for "planning and administration."
    - (4) For any fiscal year budgeting process, funds in any CDBG category in excess of the amount required for selected activities may be apportioned to other categories, provided that the amount designated for the "Human Services" or "Planning and Administration" categories shall at no time exceed 90% of the maximum allowed by law.

- b. In accordance with law, all HOME funds available for a given fiscal year shall be used for activities to provide affordable housing.
  - c. In accordance with law, all ESG funds available for a given fiscal year shall be used for activities to address homelessness.
3. Of the amounts available for any given fiscal year, not less than 70% of the CDBG funds and 70% of the HOME funds shall be designated for targeted neighborhoods (or portions thereof) or other defined areas of the City. As soon as may be practicable, the City Department of Planning and Building Services (or other designated entity) , in consultation with other City departments and community organizations and individuals, as appropriate, shall develop a prioritized listing of such targeted neighborhoods or other defined areas--based on housing/infrastructure deterioration, poverty rates or other such factors as may be applicable--to be used in the annual targeting of HUD funds. In the interim, HUD funding application guidelines and selection criteria shall be constructed in such manner as to create a substantial preference for targeted, concentrated uses of available CDBG and HOME funds.
  4. CDBG and HOME funds shall not be used to support on-going programs or projects of the City or other public or private nonprofit or for-profit community organizations. Rather, these funds shall address community needs through programs and projects with defined start and end dates. To this end, beginning with the budget for Fiscal Year 2002-2003, any non-capital, on-going program or project selected for funding shall be eligible for at most two additional years of assistance. Further, any assistance provided for the second year shall be at most 67% of that provided for the initial year, and, for the third year, shall be at most 33% of the initial year. Organizations shall not be guaranteed assistance for a second and/or third year; continued assistance shall be dependent upon submission of required applications and selection based on performance, cost, need or other appropriate factors. Initial funding applications for multi-year programs or projects shall provide budgetary information for each year of the program or project, reflecting all financial resources supporting the activities and the expectation of decreasing City assistance in the second and, if applicable, third years.
  5. In order to promote high-quality, best practices programs and projects and increase opportunities for making measurable improvements in community conditions, the City anticipates making fewer, but larger, awards. The City's application guidelines will encourage organizations to submit realistic funding requests commensurate with the extent of the needs to be addressed, the scope of activities to be conducted and the magnitude of the results to be achieved. The guidelines will limit programs and projects which will be considered to those requesting a minimum of \$25,000 in CDBG, HOME and/or ESG funds. To maximize the impact of its limited HUD funds, the City will place greater emphasis upon the selection of programs and projects which substantially leverage other financial resources, as well as those which incorporate meaningful collaborations with other community organizations and stakeholders. There will be increasing emphasis upon quantifiable outcome performance@ (e.g. increases in employment; reductions in teen pregnancy rates) and decreasing reliance on process indicators@ (e.g. number of enrollees; number of loan applications taken).
  6. The budgeting of HUD funds shall avoid duplication of services and maximize the areas benefitting from the City's limited HUD resources. To this end, when two or more projects propose to provide the same or similar forms of assistance within the same or substantially overlapping areas, the City shall provide HUD funds only to the most meritorious of the applicants, cost and other appropriate, objective selection criteria being considered. Further, the City shall not provide HUD funds to programs or projects to be newly established in areas served by other existing and similar programs and projects, except in instances where it can be documented to the City's satisfaction that the needs to be addressed are acute, substantially exceed the capacity of existing providers, and that such existing providers are unable or unwilling to expand their capacities and support establishing additional providers within the area.
  7. This policy shall supersede the previous "HUD Funds Allocation Policy," which was prepared at the request of City Council in 1998.

For the Council:

---

*The Honorable Ralph K. Smith, Mayor*

---

*Date*

September 17, 2001

Honorable Ralph K. Smith, Mayor,  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of Council:

Subject: Office on Youth Grant

Background:

The Office on Youth received its first grant from the Virginia Delinquency Prevention and Youth Development Act (VA DP&YD) on June 17, 1980. This year, the City has applied for and received funding from the VA DP&YD Act Grant. This grant will provide for the continuation of coordinated planning and program implementation of the Office on Youth.

The 2001-2002 grant budget is as follows:

State	Local Cash	
<u>Funds</u>	<u>Match</u>	<u>Total</u>
\$40,705.00	\$39,576.00	\$80,281.00

Local Cash Match was appropriated in the approved FY 01/02 Budget in transfer to Grant Fund Account 001-250-9310-9535.

Recommended Action(s):

Authorize the City Manager to execute the appropriate documents, the form of which shall be approved by the City Attorney, to accept the state grant and appropriate grants funds to the appropriate revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:pr

Attachment

c: James D. Grisso, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Rolanda Johnson, Assistant City Manager for Community Development  
Glenn D. Radcliffe, Director of Human/Social Services  
Marion A. Vaughn-Howard, Program Manager

Report # CM01-00213

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Purchase of Equipment for  
Roanoke Civic Center

At its meeting on June 4, 2001 City Council authorized issuance of \$3.0 million general obligation public improvement bonds for the purpose of providing funds to defray the cost of needed public improvements to the Roanoke Civic Center.

Several equipment purchases are needed at the Civic Center in order for the Civic Center to provide expected levels of service, and to comply with the City's contractual requirements for events at the Civic Center. This equipment is a part of the Civic Center Expansion and Renovation Project-Phase I and includes a portable basketball floor, two basketball goals, two time clocks, and an ice floor covering. The total cost for all equipment is approximately \$250,000, which will be funded through the sale of the aforementioned general obligation bonds.

An additional component of the Phase I project which also requires funding at this time is replacement of the Arena Lighting System, at a cost of approximately \$550,000.

In connection with this matter, bids for the purchase and installation of a portable basketball floor for the Roanoke Civic Center were requested by due and proper advertisement. Three (3) bids were received, see attached bid tabulation. The lowest bid meeting specifications was submitted by Horner Flooring Co., Inc., Dollar Bay, Michigan, in the amount of \$78,500, with the new floor to be supplied by November 5, 2001. Funding is available as set forth below.

Recommended Action:

Appropriate, in advance of issuance, \$800,000 in Series 2002 General Obligation Public Improvement Bonds to a new capital account entitled "Civic Center Expansion and Renovation-Phase I." Adopt a resolution indicating the City's intent to reimburse itself for the above items from the proceeds of General Obligation Public Improvement Bonds to be issued in the future.

Accept the bid of Horner Flooring Co., Inc., for the portable basketball floor as set forth above and authorize the issuance of a requisite purchase order for the total cost of \$78,500 and reject all other bids.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Barry L. Key, Director of OMB  
Jim M. Evans, Director of Civic Facilities  
Robert L. White, Manager, Purchasing

CM01-00218



September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Agreement between the City of Roanoke  
and Roanoke Foundation for Downtown,  
Inc., for the City of Roanoke Mounted Patrol  
Unit.

Background:

The Roanoke City Police Department's Mounted Patrol Unit was formed in September 1993 in partnership with Downtown Roanoke, Inc. (DRI) which formed a separate not-for-profit tax-exempt organization, Roanoke Foundation for Downtown, Inc. to assist DRI in raising funds for the Police Mounted Patrol Unit. As of June 30, 1998, DRI and the Foundation had fulfilled their original five year commitment to the City by providing five years of financial assistance for the Mounted Patrol Unit. Downtown Roanoke, Inc. and the Foundation have provided this assistance through fund raising efforts and have established relationships with a variety of local vendors and suppliers, many of whom provide services and supplies as in-kind donations or at reduced prices through DRI for the Mounted Patrol Unit.

At the end of this five year period, the City of Roanoke, the Roanoke Foundation for Downtown Inc. ("Foundation") and Downtown Roanoke, Inc. ("DRI") entered into an Agreement commencing July 1, 1998. This Agreement terminated on June 30, 2001. In this Agreement, the City of Roanoke provided \$15,000 to the Foundation to be used for the benefit of the Mounted Patrol Unit.

Considerations:

The Foundation plans to continue to raise funds and seek donations of goods and services to assist with the needs of the Mounted Patrol Unit. The continued funding by the City of

\$15,000 is needed to cover the cost of equipment, goods and services to the Unit to the extent such items are not donated.

The Foundation will pay all mounted patrol expenses as submitted by the City, excluding the officer's salaries and benefits and ordinary police equipment and uniforms, and will comply with the City's procurement procedures to the extent any items exceeds \$500.00.

The attached Agreement with the City of Roanoke and the Foundation makes provision for an annual funding of \$15,000 and shall be for the time period of July 1, 2001 through June 30, 2002, and shall be renewable for two successive terms of one year each. The Agreement requires the City to indemnify the Foundation if City employees or agents are guilty of negligent or intentional acts with respect to the Agreement. Funding for the FY 2002 donation of \$15,000 is available in account 001-300-7220-3696.

Recommended Action:

City Council authorize the City Manager to execute, and the City Clerk to attest, the attached with the Roanoke Foundation for Downtown, Inc., approved as to form by the City Attorney, within the limits of funds set forth in this report for the purposes specified herein.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:jr

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
Rolanda Johnson, Assistant City Manager for Community Development  
A. L. Gaskins, Police Chief

COUNCIL LETTER #CM01-00147

## AGREEMENT

THIS AGREEMENT by and between THE CITY OF ROANOKE, VIRGINIA, a municipal corporation organized under the laws of the Commonwealth of Virginia ("City"), ROANOKE FOUNDATION FOR DOWNTOWN, INC. ("Foundation"), a non-stock corporation organized under the laws of the Commonwealth of Virginia and DOWNTOWN ROANOKE, INCORPORATED ("DRI"), a non-stock corporation organized under the laws of the Commonwealth of Virginia is dated July 1, 2001, for identification.

WHEREAS, the parties to this Agreement desire that City maintain a mounted patrol unit ("Unit") within the Police Department of City to serve the residents of City; and, WHEREAS, Foundation is willing to contribute to the extent provided herein to the well-being of the unit, and,

WHEREAS, DRI agrees to assure Foundation's performance of its duties and responsibilities arising under this agreement for the term of this agreement;

NOW THEREFORE, the parties agree as follows:

1.  
The term of this Agreement shall be for one year, commencing July 1, 2001 and ending on June 30, 2002.  
This Agreement shall automatically renew for two (2) successive terms of one year each unless any party shall provide to the other parties, at least 60 days prior to the end of the initial term or any renewal term, written notice of the giver's intent not to renew the Agreement.
2. The Foundation shall have no responsibility for the payment or reimbursement of any expense incurred hereunder except from funds provided by the annual operating subsidy.
3. Prior to July 1st of each year that this Agreement is in effect, City will prepare an annual operating budget for the next fiscal year. The City will be responsible for all operating expenses in excess of the operating subsidy unless expressly approved by the Foundation.
4. City shall provide the Foundation an annual operating subsidy of \$15,000. As and to the extent such operating subsidy is received, the Foundation will pay all mounted patrol expenses as submitted by City, excluding the officer's salaries and benefits and ordinary police equipment and uniforms. All decisions

as to goods and services to be purchased with operating subsidy funds are solely the responsibility of City, and the Foundation shall have no liability or responsibility for the goods and services purchased.

5. The parties recognize that the Unit shall be under the operational control of City and that the horses and all equipment donated to City shall be the sole property of the City. City agrees to indemnify and hold harmless Foundation and DRI, their respective officers, agents, and employees, from claims arising out of City's intentional or negligent acts or omissions with respect to this Agreement.

6. In the event that Foundation fails or refuses to perform its duties hereunder, City shall, within 45 days of Foundation's failure or refusal of performance, give DRI written notice of such failure or refusal of performance which notice shall completely and accurately describe the duty and the nature of the Foundation's refusal or failure of performance. Within 30 days of receipt of such notice, DRI shall undertake to perform or cause the performance of the said duty of Foundation. No funds received from the service district tax shall be expended for purposes of this Agreement.

7. Any and all notices, requests or demands given or required to be given under this Agreement shall be in writing and mailed by registered or certified mail, return receipt requested, postage prepaid, or hand-delivered to the other party. Notice to the City shall be provided to City manager, 364 Municipal Building, Roanoke, Virginia 24011. Notice to Foundation or to DRI shall be provided to President, Downtown Roanoke Incorporated, 213 Market Street, Roanoke, Virginia 24011.

8. In the performance of this Agreement, Foundation and DRI shall not discriminate against any contractor, subcontractor, sublessee, employee, applicant for employment, or invitee, because of race, religion, color, sex, or national origin, except where race, religion, color, sex, or national origin is a bona fide qualification reasonably necessary to the normal operation of the party.

9. By August 31<sup>st</sup> after each year this Agreement is in effect, DRI shall make available to appropriate City personnel an accounting of fiscal year expenditures of those funds included in this Agreement. Upon request of the City, DRI shall provide the City with an annual audited financial statement for the Foundation.

1. This agreement shall not be amended or modified unless such amendment or modification is set forth in a written instrument executed by all parties to this agreement.

ATTEST:

CITY OF ROANOKE

\_\_\_\_\_  
Mary F. Parker, City Clerk

By:\_\_\_\_\_

Its:\_\_\_\_\_

ROANOKE FOUNDATION FOR  
DOWNTOWN, INC.

\_\_\_\_\_  
Witness

By:\_\_\_\_\_

Its:\_\_\_\_\_

DOWNTOWN ROANOKE  
INCORPORATED

\_\_\_\_\_  
Administrative Assistant

By:\_\_\_\_\_

Its:\_\_\_\_\_

\_\_\_\_\_  
Approved as to Form  
City Attorney

\_\_\_\_\_  
Approved as to Execution  
Assistant City Attorney

Appropriation and funds required for the Agreement certified:

\_\_\_\_\_  
Director of Finance

Date\_\_\_\_\_

Account #001-002-7220-3696 \$15,000\*

\*Payment in this amount was made to Roanoke Foundation for Downtown on

## AGREEMENT

THIS AGREEMENT by and between THE CITY OF ROANOKE, VIRGINIA, a municipal corporation organized under the laws of the Commonwealth of Virginia ("City") and ROANOKE FOUNDATION FOR DOWNTOWN, INC. ("Foundation"), a non-stock corporation organized under the laws of the Commonwealth of Virginia, is dated July 1, 2001, for identification.

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WHEREAS, Foundation is willing to contribute to the extent provided herein to the well-being of the unit;

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4. City shall provide Foundation an annual operating subsidy of \$15,000. As and to the extent such operating subsidy is received, Foundation will pay all mounted patrol expenses as submitted by City, excluding the officers' salaries and benefits and ordinary police equipment and uniforms. All decisions as to goods and services to be purchased with operating subsidy funds are solely the responsibility of City, and Foundation shall have no liability or responsibility for the goods and services purchased.
5. The parties recognize that the Unit shall be under the operational control of City and that the horses and all equipment donated to City shall be the sole property of City. City agrees to indemnify and hold harmless Foundation, its respective officers, agents, and employees, from claims arising out of City's intentional or negligent acts or omissions with respect to this Agreement.
6. In the event that Foundation fails or refuses to perform its duties hereunder, City shall, within

forty-five (45) days of Foundation's failure or refusal of performance, give Foundation written notice of such failure or refusal of performance which notice shall completely and accurately describe the duty and the nature of Foundation's refusal or failure of performance. Within thirty (30) days of receipt of such notice, Foundation shall undertake to perform or cause the performance of the its said duty. No funds received from the service district tax shall be expended for purposes of this Agreement.

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9. By August 31st after each year this Agreement is in effect, Foundation shall make available to appropriate City personnel an accounting of fiscal year expenditures of those funds included in this Agreement. Upon request of City, Foundation shall provide the City with an annual audited financial statement for Foundation.

10. This agreement shall not be amended or modified unless such amendment or modification is set forth in a written instrument executed by all parties to this agreement.

ATTEST:

CITY OF ROANOKE

\_\_\_\_\_  
Mary F. Parker, City Clerk

By:\_\_\_\_\_

Its:\_\_\_\_\_

ROANOKE FOUNDATION FOR  
DOWNTOWN, INC.

\_\_\_\_\_  
Witness

By:\_\_\_\_\_

Its:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

---

Approved as to Form  
City Attorney

---

Approved as to Execution  
City Attorney

Appropriation and funds required for the Agreement certified:

---

Director of Finance

Date \_\_\_\_\_

Account #001-002-7220-3696 \$15,000\*

\*Payment in this amount was made to Roanoke Foundation for Downtown on \_\_\_\_\_



## AGREEMENT

THIS AGREEMENT by and between THE CITY OF ROANOKE, VIRGINIA, a municipal corporation organized under the laws of the Commonwealth of Virginia ("City") and ROANOKE FOUNDATION FOR DOWNTOWN, INC. ("Foundation"), a non-stock corporation organized under the laws of the Commonwealth of Virginia, is dated July 1, 2001, for identification.

WHEREAS, the parties to this Agreement desire that City maintain a mounted patrol unit ("Unit") within the Police Department of City to serve the residents of City; and

WHEREAS, Foundation is willing to contribute to the extent provided herein to the well-being of the unit;

NOW THEREFORE, the parties agree as follows:

1. The term of this Agreement shall be for one year, commencing July 1, 2001 and ending on June 30, 2002. This Agreement shall automatically renew for two (2) successive terms of one year each unless any party shall provide to the other parties, at least sixty (60) days prior to the end of the initial term or any renewal term, written notice of the notice giver's intent not to renew the Agreement.
2. Foundation shall have no responsibility for the payment or reimbursement of any expense incurred hereunder except from funds provided by the annual operating subsidy.
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4. City shall provide Foundation an annual operating subsidy of \$15,000. As and to the extent such operating subsidy is received, Foundation will pay all mounted patrol expenses as submitted by City, excluding the officers' salaries and benefits and ordinary police equipment and uniforms. All decisions as to goods and services to be purchased with operating subsidy funds are solely the responsibility of City, and Foundation shall have no liability or responsibility for the goods and services purchased.
5. The parties recognize that the Unit shall be under the operational control of City and that the horses and all equipment donated to City shall be the sole property of City. City agrees to indemnify and hold harmless Foundation, its respective officers, agents, and employees, from claims arising out of City's intentional or negligent acts or omissions with respect to this Agreement.

6. In the event that Foundation fails or refuses to perform its duties hereunder, City shall, within forty-five (45) days of Foundation's failure or refusal of performance, give Foundation written notice of such failure or refusal of performance which notice shall completely and accurately describe the duty and the nature of Foundation's refusal or failure of performance. Within thirty (30) days of receipt of such notice, Foundation shall undertake to perform or cause the performance of the its said duty. No funds received from the service district tax shall be expended for purposes of this Agreement.

7. Any and all notices, requests or demands given or required to be given under this Agreement shall be in writing and mailed by registered or certified mail, return receipt requested, postage prepaid, or hand-delivered to the other party. Notice to City shall be provided to City Manager, 364 Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia 24011. Notice to Foundation shall be provided to President, Downtown Roanoke Incorporated, 213 Market Street, Roanoke, Virginia 24011.

8. In the performance of this Agreement, Foundation shall not discriminate against any contractor, subcontractor, sublessee, employee, applicant for employment, or invitee, because of race, religion, color, sex, or national origin, except where race, religion, color, sex, or national origin is a bona fide qualification reasonably necessary to the normal operation of the party.

9. By August 31st after each year this Agreement is in effect, Foundation shall make available to appropriate City personnel an accounting of fiscal year expenditures of those funds included in this Agreement. Upon request of City, Foundation shall provide the City with an annual audited financial statement for Foundation.

10. This agreement shall not be amended or modified unless such amendment or modification is set forth in a written instrument executed by all parties to this agreement.

ATTEST:

CITY OF ROANOKE

\_\_\_\_\_  
Mary F. Parker, City Clerk

By:\_\_\_\_\_

Its:\_\_\_\_\_

ROANOKE FOUNDATION FOR  
DOWNTOWN, INC.

\_\_\_\_\_  
Witness

By:\_\_\_\_\_

Its:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

---

Approved as to Form  
City Attorney

---

Approved as to Execution  
City Attorney

Appropriation and funds required for the Agreement certified:

---

Director of Finance

Date \_\_\_\_\_

Account # 001-300-7220-3696 \$15,000\*

\*Payment in this amount was made to Roanoke Foundation for Downtown on \_\_\_\_\_

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Contract Award  
Reef Rigged Fire Curtain  
Civic Center Auditorium

The original Civic Center Auditorium stage was equipped with an asbestos containing fire curtain which now requires replacement with a new fire curtain.

After properly advertising the project twice, only one bid was received on Wednesday, July 25, 2001 (no response the first time) with Hoffend South, Inc., 831 Winston Street, Greensboro, North Carolina 27405, submitting a bid in the amount of \$76,786 for assisting with the removal of the old fire curtain and for the fabrication and installation of a new reef rigged fire curtain in the Civic Center Auditorium. The construction time was specified as sixty (60) consecutive calendar days for fabrication/installation of the new fire curtain. Funding is available in account #005-550-8607.

Recommended Action:

Accept the above bid and authorize the City Manager to execute a contract for the above work with Hoffend South, Inc. in the amount of \$76,786 with 60 consecutive calendar days of contract time.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB/LBC/bls

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
James D. Grisso, Director of Finance  
D. Darwin Roupe, Director of General Services

#CM01-00215

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment of Section 36.1-640 of  
the Code of the City of Roanoke,  
(1979), as amended

Background:

A committee appointed by City Council in January, 2001, reviewed and made recommendations regarding restructuring various City authorities, boards, commissions and committees.

Many of the recommendations set forth in the April 2, 2001, report have been implemented. However, one recommendation the committee made was to amend Section 36.1-640 of the Zoning Ordinance to delete certain requirements for appointment and membership of Architectural Review Board.

In order to proceed with the proposed amendment change, City Council must adopt a resolution authorizing the filing of an amendment to the code.

In addition, because this requested amendment is to the zoning ordinance, state law requires that amendments must be submitted to the Planning Commission for study, public hearing, and recommendation prior to Council adoption.

Considerations:

It is expected that the Planning Commission could consider the proposed amendment at their regularly scheduled meeting on October 18, 2001.

The terms of two members of the Architectural Review Board expire in October 2001, and appointments will soon be under consideration by City Council. Because of the need for Planning Commission action, the proposed amendment likely will not be effective until after these terms expire. However, given the existing membership of the Board, the Council will still have flexibility in considering applicants for appointment.

Recommendation:

City Council adopt a resolution authorizing the filing of a request to amend Section 36.1-640, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB:mpf

Attachments

c: James D. Grisso, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Proposed Zoning Amendment for Printing Establishments

Background:

The current zoning ordinance, adopted in 1987, does not adequately address printing establishments in the City's commercial and industrial districts. At present, they are considered by the zoning administrator to be general service establishments or manufacturing establishments, depending on the processes and products involved. In the Downtown, Central Business District, printing operations that involve manufacturing are permitted by special exception.

An amendment to the zoning ordinance is needed to more appropriately provide for printing establishments. These types of establishments are typically found in both commercial and industrial districts and provide vital supporting services for many businesses and industries.

Considerations:

A draft amendment to the zoning ordinance is attached for Council's review and consideration. This amendment would permit commercial printing establishments, including newspapers, publications and other printed materials, outright in the C-2, General Commercial District, C-3, Central Business District, and LM, Light Manufacturing District.

If Council desires to pursue this amendment, a resolution should be adopted authorizing the City Manager to request that the Planning Commission consider the amendment to the zoning ordinance. Please note that the amendment must be considered and acted upon by the Planning Commission prior to Council action. I anticipate having this matter heard by the Planning Commission and City Council at a joint public hearing on October 18, 2001. In that



regard, you should note that approximately two to three weeks is needed to provide for legal advertising requirements.

Recommendation:

It is recommended that City Council adopt the attached resolution authorizing the City Manager to request that the Planning Commission consider an amendment to the zoning ordinance providing for commercial printing establishments, including newspapers, publications, and other printed materials, in C-2, General Commercial District, C-3, Central Business District, and LM, Light Manufacturing District.

Respectfully submitted,

Darlene L. Burcham  
City Manager

C: William Hackworth, City Attorney  
James Grisso, Director of Finance  
Mary F. Parker, City Clerk  
Rolanda S. Johnson, Assistant City Manager for Community Development  
D. Kent Chrisman, Chairman, Planning Commission

September 17, 2001

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Re: School Board Audits

Dear Mayor Smith and Members of Council:

During its meeting on September 4, 2001, Council requested that I prepare for its consideration an ordinance pursuant to ' 56 of the Roanoke Charter of 1952 authorizing the Municipal Auditor to perform audits of the records and affairs of the City's School Board. I have prepared such an ordinance, and it is attached for your consideration. Also attached is a resolution that would follow through on Council's request that Council's Audit Committee confer with the School Board Audit Committee to develop a plan for such audits.

Please let me know if you have questions about either of these measures.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth  
City Attorney

WMH:f  
Attachments

cc: Darlene L. Burcham, City Manager  
James D. Grisso, Director of Finance  
Robert H. Bird, Municipal Auditor  
Mary F. Parker, City Clerk

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable W. Alvin Hudson, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable William White, Sr., Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable Linda F. Wyatt, Council Member

Subject: Bill In Equity Sale of Property with Delinquent Real Estate Taxes

Dear Mayor Smith and Members of City Council:

**Background:**

Section 58.1-3965 of the Code of Virginia governing the Bill in Equity (ATax Sale®) process specifies when land may be sold for delinquent taxes. It currently states that real estate may be sold when taxes are delinquent on December 31 following the second anniversary date on which such taxes have become due. Effective July 1, 2000, Section 58.1-3965.1 of the Code of Virginia became effective which provides that Aa city may also, by ordinance, institute proceedings to sell in accordance with law any real estate when any taxes on such real estate are delinquent on December 31 following the first anniversary of the date on which such taxes have become due...®

Since Escheat laws were effectively eliminated in 1996, tax sales have become necessary as a standard part of our delinquent real estate tax collection efforts. Recent tax sales have been successful and instrumental in increasing delinquent tax collections as well as turning property over to productive use thereby improving neighborhoods.

**Considerations:**

As a general rule, we do not plan to consider properties for sale that have less than the two year requirement as stated above. However, circumstances exist where it would be advantageous to recommend for sale certain properties that have delinquent taxes of one year or more. We have encountered several circumstances where the property owner is deceased, where the heirs request that a property be sold, and where the city stands to incur demolition/board-up or weed/trash abatement expenses. If this property could be turned over quicker to a responsible property owner, without having to wait for two years of delinquent taxes to accumulate prior to instituting a tax sale, the city would benefit by being able to collect future real estate taxes in a more timely manner and by avoiding incurring weed/trash abatement and demolition/board up fees. As a result, the neighborhoods would benefit by

having responsible property owners.

Although not required by State Code, in the past, we have brought to City Council a list of those properties in which taxes are delinquent for two years or more and Council has adopted a resolution authorizing proceedings for their sale. If the attached ordinance is adopted, authorization will be given for future sales, without further authorization by Council, of any property of which taxes are delinquent on December 31, following the first anniversary of the date on which such taxes have become due. However, I would like to assure you that Council will continue to be informed of tax sale publications and the status of the sale process.

**Recommended Action:**

City Council adopt the attached ordinance enacting Section 32-26 of the Code of the City of Roanoke which provides the authority for the city to institute proceedings to sell in accordance with Section 58.1-3965 et. seq. of the Code of Virginia any real estate when any taxes on such real estate are delinquent on December 31 following the first anniversary of the date on which such taxes have become due.

Sincerely,

James D. Grisso  
Director of Finance

JDG/DDL:s

c: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Renaming of Second Street Bridge to Gainsboro Bridge

**Planning Commission Action:**

Planning Commission considered the renaming of the 2<sup>nd</sup> Street Birdge to Gainsboro Bridge on August 16, 2001. By a vote of 6-0 (Messrs. Butler, Chrisman, Dowe, Hill, Manetta, and Rife voting in favor of the motion and Mr. Campbell absent), the Commission recommended approval of the renaming.

**Background:**

In April of 2000, the City Planning Commission considered a request from Evelyn D. Bethel to rename a section of Second Street, S. W. and the new bridge spanning the railroad tracks, Gainsboro Road and Gainsboro Bridge, respectively. By a vote of 7-0, the Commission recommended to City Council that the name of the Street not be changed, but that the bridge should be renamed. On May 15, 2000, City Council considered the request and denied both name changes.

In January of 2001, Mrs. Bethel again requested that the name of the new bridge on Second Street, S. W. be changed and officially renamed Gainsboro Bridge (see attached letter). She advised that the bridge would honor Kemp Gaines, an early founder of Roanoke, and that the bridge was be situated in Gainsboro, Roanoke's oldest neighborhood.

After research of the previous request and consultation with city staff, it was recommended that the Planning Commission reconsider the request again and forward a recommendation to City Council.

On August 16, 2001, Planning Commission discussed the renaming of the 2<sup>nd</sup> Street Bridge to Gainsboro Bridge. Mrs. Evelyn Lander gave the staff report on the matter,

recommending that the Commission reaffirm its recommendation to Council. Mrs. Evelyn Bethel was present and available for questions. There were no other comments from the audience.

**Consideration:**

The Planning Commission's adopted naming policy provides that in any case where a name for a new street or facility is proposed, such names should relate to one or more of the following criteria:

1. area of street/facility location;
2. historical relationship to the area;
3. name of a deceased, noted person related to the area;
4. any other suitable name that is considered by the City Manager or the community to be fitting, applicable and in compliance with all other naming guidelines.

Planning staff is unaware of other names that are currently under consideration for the bridge.

**Recommendation:**

Planning Commission reaffirms its recommendation to rename the Second Street Bridge, Gainsboro Bridge, for further consideration by City Council.

Respectfully submitted,

D. Kent Chrisman, Chairman  
Roanoke City Planning  
Commission

attachment

c: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Evelyn D. Bethel, Historic Gainsboro Preservation District, Inc.  
Claudia Pannel, Gainsborough Southwest Community Organization  
George H. Heller, Gainsborough Southwest Community Organization  
Virginia Wolfe, Gainsboro Neighborhood Alliance

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Larry Bly and W. Martin Hall, represented by Eric Roland Spencer, that property located at 322 Bullitt Avenue, S.E., Official Tax No. 4012516, be rezoned from LM, Light Manufacturing, to C-1, Office District.

**Planning Commission Action:**

On July 19, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 5-0 (Messrs. Campbell, Chrisman, Dowe, Manetta and Rife voting for the petition and Messrs. Butler and Hill absent), the Planning Commission recommended approval of the proposed rezoning.

**Background:**

Petition to rezone property from LM, Light Manufacturing, to C-1, Office District, was filed on June 7, 2001. The request is unconditional with no proffers. The petitioner proposes to rezone the property to use the existing residential structure for an office and apartment unit. The property has an accessory structure in the rear, but no use of the accessory structure is proposed.

The subject property is in the 300 block of Bullitt Avenue immediately adjacent to I-581. The area along I-581 is zoned LM. Zoning on the other side of I-581 is C-3. To the east of 4<sup>th</sup> Street, the zoning is RM-2. Surrounding land uses are the paint store to the south, residential uses to the north, and an auto painting garage to the east.

In a letter dated June 16, 2001, the Historic Belmont Preservation Association indicated its support for the rezoning. In addition, the association requested that the garage be retained, adequate parking be provided, and the remodeling is up to applicable building codes. The Southeast Action Forum is reviewing the request, but has not indicated a position.

Planning Commission considered the request at public hearing on July 19, 2001. Mr. Eric R. Spencer, attorney, presented the request on behalf of the petitioner. Mr. Chris Chittum, City Planner, gave the staff report, noting that the request was consistent with the current Comprehensive Plan and stating that staff recommended approval of the rezoning request. Mrs. Lander also advised the Commission that within the draft neighborhood plan for the southeast area, this area was recommended for zoning changes and that C-1 zoning would be compatible. The Commission discussed the request and the concerns mentioned by the Historic Belmont Preservation Association, in their letter dated June 16, 2001, were also addressed by the applicant and City staff. There was no one present to speak in favor of or in opposition to the rezoning request.

**Considerations:**

The proposed land use is appropriate as it will use an existing residential structure and will be compatible with surrounding land uses. The I-73 route recommended by the Commonwealth Transportation Board on May 17, 2001, may include this property. However, the time line and exact path of the road project is indefinite. Significant investment in new industrial development in this location should be discouraged.

This request is consistent with the 1985 Comprehensive Plan recommendations. The plan recommends that priority given to maintenance and rehabilitation of sound, usable structures rather than demolition. Furthermore, the plan encourages a variety of housing choice in existing neighborhoods through a balance of preservation, rehabilitation and new development. The draft Belmont-Fallon neighborhood plan (not adopted) recommends that some areas of the neighborhood near downtown be zoned to permit for mixed office and residential uses to encourage preservation and rehabilitation of existing structures.

The petitioner has indicated intent to retain the garage structure. Zoning regulations will require that adequate parking provided. The structure must meet applicable building codes before a certificate of occupancy is issued.

**Recommendation:**

Planning Commission recommends that City Council approve the request for rezoning to C-1, Office District, with no proffered conditions.

Respectfully submitted,

D. Kent Chrisman, Chairman  
Roanoke City Planning Commission

CC:mpf

attachment



cc: Darlene Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Eric Roland Spencer, Attorney for the Petitioner

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Kayser Properties, LLC that a portion of Old Thirlane Road, N.W., bounded on the west by I-581 and the east by property bearing Official Tax No. 6520106, be permanently vacated, discontinued and closed .

**Planning Commission Action:**

On July 19, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 5-0 (Messrs. Campbell, Chrisman, Dowe, Manetta and Rife voting for the petition and Messrs. Butler and Hill absent), the Planning Commission recommended approval of the proposed closure.

**Background:**

The petitioner has requested that a portion of Old Thirlane Road, NW, be closed so that it may be used as an access road for a corporate office and manufacturing development on Official Tax Map Number 6520106. Old Thirlane Road, or Old Route 626, was annexed by the City from Roanoke County. The right-of-way has two designated ingress and egress points with access to Thirlane Road from the northeast and the southeast of the right-of-way. However, it is presently only paved and accessible on the northern side. The southern portion is undeveloped and covered with foliage. The petitioner requests that the southern portion be closed.

Mr. Jon Hager, Kayser Properties, presented the request on behalf of the petitioner. Frederick Gusler, City Planner, presented the staff report and stated that staff was recommending approval of the closure of the southern portion of Old Thirlane Road, N.W. There was no one present in the audience to speak for or against the proposal.

**Considerations:**

Thirlane Road and the northern branch of the right-of-way demarcate the zoning in this area. The northwest side of the right-of-way and the western side of Thirlane Road is zoned RA, Residential Agricultural. However, one parcel in this RA district, Tax Map Number 6520105, has been rezoned for the development of an office complex. The southeast portion of the right-of-way and the eastern side of Thirlane Road are zoned LM, Light Manufacturing.

Three properties are adjacent to the right-of-way. These are Official Tax Map Numbers 6520101, 6520105, and 6520106. At present all three of these parcels are vacant. Official Tax Map Number 6520105 has been cleared for development of an office complex. As previously noted, 6520106 is owned by the petitioner, who plans to develop a corporate office and manufacturing complex for high technology companies. Official Tax Map Number 6520101 abuts the portion (southern) of the right-of-way that the petitioner requests closure of.

The petitioner wishes to use the portion of the right-of-way as an access road for a corporate office and manufacturing development on Official Tax Map Number 6520106. The petitioner originally requested that the entire right-of-way be vacated, but after discussions with others has modified the request to only close a portion thereof. Staff has received a metes and bounds description for the portion to be vacated and an amended petition has been filed.

American Electric Power (AEP) has facilities located at the right-of-way. Verizon has an existing telephone plant located adjacent to and crossing the street, from which it maintains an active telephone cable for customers in the area.

Staff received a letter from Jeff Draper of Verizon, which stated that the latter is not opposed to the petitioner's request. However, Mr. Draper also requested that any telephone plants in the closure area be grand fathered if the right-of-way were to be closed, so as to maintain access to the plant. The City Engineer also submitted comments to Staff in support of the closure, but also requested that the City reserve the right to use the property vacated for utility purposes.

Interstate 581 adjoins the right-of-way to the west. After discussions with the Virginia Department of Transportation (VDOT), the Director of Public Works determined that the right-of-way is unlikely to be affected by future I-581 improvements related to I-73.

Staff received comments from Bob Crawford and Jack Burrows of Crawford Development Company, owner of an adjoining property on Thirlane Road, Official Tax Map Number 6520105, in opposition to the petitioner's request, citing difficulties with traffic flow, access and frontage appearance that vacating the entire right-of-way would cause for their development, which includes a curb cut off the northern portion of the right-of-way to provide ingress and egress. Staff also received a subsequent letter from Crawford Development Company in which Mr. Crawford stated concerns with truck traffic and buffering between the two developments.

**Recommendation:**

Planning Commission recommends that City Council approve the partial closure of Old Thirlane Road, N.W. The portion is undeveloped and has little future value to serve the City's interests.

Respectfully submitted,

D. Kent Chrisman, Chairman  
Roanoke City Planning Commission

Attachments

cc: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Jon Hager, Petitioner

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Lewis J. Pillis that a portion of an alleyway lying parallel to Crystal Spring and Richelieu Avenues, S.W., running for a distance of 375 feet, more or less, and lying to the rear of properties bearing Official Tax Nos. 1062312 through 1062318, inclusive, be permanently vacated, discontinued and closed.

**Planning Commission Action:**

Planning Commission considered the proposed alley closure at public hearing on Thursday, August 16, 2001. By a vote of 6-0 (Messrs. Butler, Chrisman, Dowe, Hill, Manetta, and Rife voting in favor of the motion and Mr. Campbell absent), the Commission recommended approval of the closure.

**Background:**

The alley proposed for closure is a paper alley that has never been developed. It is adjoined by six parcels to the south and a small triangular parcel to the north, which lies between the paper alley and an existing, improved alley between Richelieu and Crystal Spring Avenues (see map). No closure of the improved alley is proposed.

The initial map filed of the alley requested for closure was not clear in showing the area to be closed. Petitioner has submitted a revised map of the alley requested for closure and intends to submit a metes and bounds description to the City upon approval specifically delineating the paper alley to be closed.

Only a portion of the full paper alley is requested for closure. Petitioner has secured signatures of approval from adjacent property owners along paper alley to be closed. There was objection from the property owner of Tax Map Number 1062322 to closing the paper alley behind their property and therefore, the paper alley is only being requested for closure to its intersection with the existing, improved alley.

Planning Commission hearing was held on Thursday, August 16, 2001. The Petitioner spoke on his behalf and stated the support of the adjoining property owners involved, all of who signed the Petition. Both the Planning Commission and the Assistant City Attorney sought clarification as to whether all affected property owners were in agreement as to how the portion of the alley would be divided and platted. Staff noted in both cases that all affected property owners had agreed in principle to the closure, and that they and the Petitioner would be responsible for providing the City with newly recorded plats within one year of closure, in addition to other standard requirements. Staff recommended closure of the portion of the alley subject to a metes and bounds description that would not close any portion of the improved alley. There were no comments from the general public.

### **Considerations:**

All of the parcels of the 2700 block of Richelieu and Crystal Spring Avenues are zoned RS-2, Residential Single-Family. An improved alley allows access to residential properties.

An existing sewer line is located within the paper alley. An easement will need to be retained by the City.

City Council is authorized to sell this vacated portion of the right-of-way, if it so chooses. Section 15.2-2008 of the Virginia Code (1950), as amended, authorizes a City to require an abutting property owner to purchase as a condition of a right-of-way vacation, a vacated right-of-way. The price, under such an arrangement, may be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties.

Charlie Dorsey, 2702 Crystal Spring Avenue, advised staff that he was opposed to the Petitioner's request as set out on the initial map as it would close a portion of the existing alley. However, Mr. Dorsey was not opposed to the closing of the paper alley as set out on the revised map.

### **Recommendation:**

Staff recommends that the Planning Commission approve closure of the paper alley contingent upon the following items:

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise be landlocked by the requested closure, or otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of the City of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any

other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as required by the Clerk to effect such recordation.

- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary

Respectfully submitted,

D. Kent Chrisman, Chairman  
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth City Attorney  
Steven J. Talevi, Assistant City Attorney  
Lewis Pillis, Petitioner

**Report was not available.**



September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Subject: Easement on City  
Property CoxCom, Inc.  
Tax Number 4220316

Fire Station No. 6 is located at 1333 Jamison Avenue, SE.

CoxCom Inc., d/b/a Cox Communications Roanoke (Cox) currently provides service to the Fire Station from AEP's overhead facilities.

A fifteen-foot easement across the Fire Station property has been requested by Cox in order to extend the line to provide service to the adjacent property owner at 1325 Jamison Avenue, S.E. See Attachment #1. Cox has agreed to relocate said facilities one time, if necessary, at the sole expense of the grantee. See Attachment #2 for map of area.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents granting a fifteen-foot easement across City-owned property to CoxCom, Inc., d/b/a Cox Communications Roanoke. Said easement shall be for the purpose of constructing, owning, and operating a communication transmission line.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB/SEF

Attachment(s): 2

c: William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
James D. Grisso, Director of Finance  
Sarah E. Fitton, Engineering Coordinator  
Sidney Bush, Cox Communications

CM01 - 00183

Report Author: Sarah Fitton

September 17, 2001

Honorable Ralph K. Smith, Mayor  
Honorable William H. Carder, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable C. Nelson Harris, Council Member  
Honorable W. Alvin Hudson, Jr., Council Member  
Honorable William White, Sr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Vacation of Public  
Easement – Churchill Drive

The original Subdivision Plat for Section 3 of Dorchester Court designated Lots 3 and 4 of Block 19 as "Seepage Area". In 1959, a perpetual easement to construct a storm drain was conveyed to the City as shown on Plan No. 4384. See Attachment #1. In the late 1980's, the Williamson Road Storm Drain Project was constructed to relieve the drainage problems in this area, and remove the need for this seepage area.

The subject lots are suitable for single family residences. The property owner has requested that the City abandon the easement so that the property may be utilized. See Attachment #2. The parcels involved are Tax Nos. 2270703 & 2270704. Vacation of the easement will allow the lots to be used for residential purposes. Engineering staff recommends the subject easement be vacated.

Recommended Action:

Following a public hearing, authorize the vacation of the public easement across the properties identified above.

Respectfully submitted,

Darlene L. Burcham  
City Manager

DLB/sef

Attachments (2)

c: William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
James D. Grisso, Director of Finance  
Sarah E. Fitton, Engineering Coordinator  
Virginia W. Cooke, 2530 Wycliffe Avenue, SW

#CM01-00198

**CARDER**  
**35564**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***September 17, 2001  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

- 1. Call to Order--Roll Call.** Council Member White was absent.

**The Invocation was delivered by The Reverend Amos Rideout, Pastor, South Roanoke United Methodist Church.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.**

**Welcome. Mayor Smith.**

## **NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, September 20, 2001, at 7:00 p.m., and Saturday, September 22, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [www.roanokegov.com](http://www.roanokegov.com), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.**

## **PRESENTATIONS:**

A RESOLUTION recognizing the services of Robert H. Bird as Municipal Auditor for the City of Roanoke.

**Adopted Resolution No. 35564-091701. (6-0)  
File #80-184-280**

Proclamation declaring the month of October as "National Disability Employment Awareness Month".  
**File #3-353**

## **2. CONSENT AGENDA**

**(APPROVED 6-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1           A communication from Mayor Ralph K. Smith requesting that Council convene in Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in request.  
File #110-132**

- C-2           A communication from Council Member C. Nelson Harris, Chair, Personnel Committee, requesting that Council meet in Closed Session to discuss appointment of a new Municipal Auditor, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

**File #132-280**

- C-3           A communication from Willard G. Light tendering his resignation as a member of the Board of Zoning Appeals, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept resignation.

**File #51-110**

- C-4           Qualification of Margaret C. Thompson as a member of the Human Services Committee for a term ending June 30, 2002.

RECOMMENDED ACTION: Receive and file.

**File #15-72-110**

## **REGULAR AGENDA**

### **3. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

- a.       Request to present an update on the Master Plan for the Roanoke Valley Cultural Institutions. Susan Jennings, Executive Director, The Arts Council of the Blue Ridge.

**Ms. Jennings requested that Council adopt a measure endorsing the Master Plan for the Roanoke Valley Cultural Institutions. The request was referred to the City Manager for appropriate response.**

**File #394**



#### **4. PETITIONS AND COMMUNICATIONS: NONE.**

#### **5. REPORTS OF OFFICERS:**

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending acceptance of the bid submitted by Magic City Motor Corporation for purchase of automobiles for the Fire and Police Departments, in the amount of \$435,537.00.

**Adopted Resolution No. 35565-091701. (6-0)**  
**File #5-70-472**

2. A communication with regard to competitive negotiation for goods and services.

**Adopted Resolution No. 35566-091701. (6-0)**  
**File #24-361-497**

3. A communication recommending authorization to continue services of the Outstationed Eligibility Worker at the Health Department; and appropriation of \$33,234.00 in connection therewith.

**Adopted Budget Ordinance No. 35567-091701 and Resolution No. 35568-091701. (6-0)**  
**File #60-22-72**

4. A communication recommending appropriation of \$117,490.00 in connection with the Fifth District Employment and Training Consortium Welfare to Work program.

**Adopted Budget Ordinance No. 35569-091701. (6-0)**  
**File #60-72-246**

**Ms. Wyatt requested that the City Manager submit a status report with regard to recipients using the Fifth District Employment and Training Consortium Welfare to Work program and the impact that the program has had on the City, local churches, non-profit agencies, etc.**

5. A communication recommending adoption and implementation of a policy on HUD funds as part of the budgeting process for Fiscal Year 2002-2003.

**Adopted Resolution No. 35570-091701. (6-0)  
File #60-172-236**

6. A communication recommending execution of certain documents accepting the Office on Youth grant; and appropriation of \$40,705.00 in connection therewith.

**Adopted Budget Ordinance No. 35571-091701 and  
Resolution No. 35572-091701. (6-0)  
File #60-236-304**

7. A communication recommending acceptance of the bid submitted by Horner Flooring Co., Inc., for a portable basketball floor at the Roanoke Civic Center, in the amount of \$78,500.00.

**Adopted Budget Ordinance No. 35573-091701 and  
Resolution  
Nos. 35574-091701 and 35575-091701. (6-0)  
File #60-192-472**

8. A communication recommending execution of an Agreement with Roanoke Foundation for Downtown, Inc., for the Mounted Patrol Unit.

**Adopted Resolution No. 35576-091701. (6-0)  
File #5-277**

9. A communication recommending acceptance of the bid of Hoffend South, Inc., for a new fire curtain at the Roanoke Civic Center, in the amount of \$76,786.00.

**Adopted Ordinance No. 35577-091701. (6-0)  
File #5-192-472**

10. A communication with regard to amendment of Section 36.1-640 of the Code of the City of Roanoke (1979), as amended, with regard to Architectural Review Board appointments.

**Adopted Ordinance No. 35578-091701. (5-0, Council Member Hudson was out of the Council Chamber.)  
File #24-249**

11. A communication with regard to an amendment to the zoning ordinance providing for printing establishments in C-2, C-3, and LM districts; and the scheduling of a joint public hearing by the City Planning Commission and City Council on Thursday, October 18, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard.

**Adopted Ordinance No. 35579-091701. (5-0, Council Member Hudson was out of the Council Chamber.)  
File #24-51**

**The public hearing with regard to the abovementioned will be held on Thursday, October 18, 2001, by the City Planning Commission at 1:30 p.m., location to be determined; and by City Council at 7:00 p.m., in the City Council Chamber .**

b. CITY ATTORNEY:

1. A report transmitting a measure in connection with authorizing the Municipal Auditor to perform audits of records and affairs of the Roanoke City School Board.

**Adopted Ordinance No. 35580-091701 and Resolution No. 35581-091701. (5-0, Council Member Hudson was out of the Council Chamber.)  
File #10-280-467**

c. **DIRECTOR OF FINANCE:**

1. A report in connection with the sale of property in which assessed real estate taxes have remained delinquent for one year.

**Adopted Ordinance No. 35582-091701. (6-0)**  
**File #2-24-140**

**6. REPORTS OF COMMITTEES:**

- a. A report of the City Planning Commission recommending adoption of a resolution renaming the Second Street Bridge as Gainsboro Bridge.

**Adopted Resolution No. 35583-091701. (6-0)**  
**File #102-200**

**7. UNFINISHED BUSINESS: NONE.**

**8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**9. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council Member Wyatt called upon the citizens of Roanoke to perform good deeds on a daily basis as the Nation begins to heal as a result of the terrorists' attacks in New York, Washington and Pennsylvania on Tuesday, September 11.**  
**File #132**

**Council Member Carder announced that the Taste of the Blues and Jazz Festival would be held on Saturday, September 21 in Elmwood Park. He further stated that the group working with the City Manager on the issue of naming a public facility after the late Dr. Martin Luther King, Jr., has recommended that Elmwood Park be considered. The City Manager and the City Clerk were requested to advertise a public hearing to receive citizen input with regard to the recommendation.**

**File #67-87-132**

**Council Member Bestpitch asked the citizens of the City of Roanoke to keep Council Member White and the City Clerk , who had both lost loved ones within the last week, in their thoughts and prayers.**

**File #38-80-132**

**Council Member Hudson announced that the American Legion Post No. 3 will hold a meeting on Thursday, September 20 at 7:00 p.m., at 710 Apperson Drive, S. W., to receive citizen comments with regard to relief efforts as a result of the tragic event that occurred on Tuesday, September 11.**

**File #132-188**

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

## **10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:**

### **CERTIFICATION OF CLOSED SESSION. (6-0)**

**Appointed Tamara Asher as a member of the Personnel and Employment Practices Commission for a term ending June 30, 2004.**

**AT 5:10 P.M., THE ROANOKE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR A JOINT MEETING BETWEEN CITY COUNCIL AND THE BOARD OF ZONING APPEALS.**



***JOINT MEETING  
CITY COUNCIL/BOARD OF ZONING APPEALS***

***5:00 p.m.***

***EMERGENCY OPERATIONS CENTER  
CONFERENCE ROOM***

- 1. Introduction and General Comments. Benjamin S. Motley, Chair, Board of Zoning Appeals.**
- 2. Presentation of Annual Report. Mr. Motley.**
- 3. Overview of roles and responsibilities of the Board of Zoning Appeals. Mr. Motley.**
- 4. Discussion issues by Members of the Board of Zoning Appeals. Mr. Motley.**
- 5. General Discussion. City Council/Board of Zoning Appeals.**

**AT 6:10 P.M., THE ROANOKE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***September 17, 2001  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

**Call to Order -- Roll Call.** Council Member White was absent.

**The Invocation was delivered by Council Member William D. Bestpitch.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.**

**Welcome. Mayor Smith.**

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Tonight's meeting will be replayed on Channel 3 on Thursday, September 20, 2001, at 7:00 p.m., and Saturday, September 22, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.



**Adopted Resolution No. 35584-091701 expressing the support of City Council and the citizens of Roanoke for their city and their nation and directing that the Roanoke Star on Mill Mountain shine as a visible symbol of Roanoke's patriotism and pride. (6-0)**

**File #80-67**

**Adopted Resolution No. 35585-091701 electing and appointing Troy Andrew Harmon as Acting Municipal Auditor for the City of Roanoke effective 12:01 a.m., on September 28, 2001, and setting forth the terms and conditions of employment for Mr. Harmon as Acting Municipal Auditor. (6-0)**

**File #184-280**

## **A. PUBLIC HEARINGS:**

1. Public hearing on the request of Messrs. Larry Bly and W. Martin Hall that property located at 322 Bullitt Avenue, S. E., identified as Official Tax No. 4012516, be rezoned from LM, Light Manufacturing District, to C-1, Office District. Eric R. Spencer, Spokesperson.

**Adopted Ordinance No. 35586-091701. (6-0)**

**File #51**

2. Public hearing on the request of Kayser Properties, LLC, that a portion of Old Thirlane Road, N. W., bounded on the west by I-581 and the east by property identified as Official Tax No. 6520106, be permanently vacated, discontinued and closed. Jon Hager, Vice-President, Ventures, Ltd., Spokesperson.

**Adopted Ordinance No. 35587-091701. (6-0)**

**File #514**

3. Public hearing on the request of Lewis J. Pillis that a 12-foot wide alley extending between 2701 - 2729 Richelieu Avenue, S. W., identified as Official Tax Nos. 1062312 - 1062318, inclusive, be permanently vacated, discontinued and closed. Lewis J. Pillis, Spokesperson.

**Adopted Ordinance No. 35588-091701. (6-0)**

**File #514**

4. Public hearing with regard to participation in the 2001 Interest Rate Subsidy Program Bond Sale - VPSA School Financing Bonds, Series 2001B, to be used for improvements at Fairview Elementary School and Fishburn Park Elementary School. Richard L. Kelley, Assistant Superintendent for Operations, Roanoke City Public Schools, Spokesperson.

**No action taken.**

**File #53-467**

5. Public hearing with regard to granting an easement across City-owned property to CoxCom, Inc., d/b/a Cox Communications Roanoke, for the purpose of constructing, owning, and operating a communication line. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 35589-091701. (6-0)**

**File #27-166-448**

6. Public hearing with regard to the proposed vacation of a public easement on Churchill Drive, N. W. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 35590-091701. (6-0)**

**File #27-166-514**

## **B. OTHER HEARING OF CITIZENS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Elaina Loritts, 4827 Rutgers Street, N. W., appeared with regard to Council's lack of respect for minorities, particularly the Roanoke City School Board Chairman and Roanoke City Public School Superintendent during a joint meeting between City Council and the Roanoke City School Board on Monday, August 20, 2001.**

**File #66-467**

**The following persons appeared and expressed concern with regard to the unfair treatment of certain city employees, and/or the closing of various fire stations within the City:**

**Tony Chapman, 1523 Compton Street, N. E., Apartment 18  
Ted Kaplan, 4862 Old Mountain Road, N. W.  
Michael F. Randolph, 1604 Staunton Avenue, N. W.  
Harold Johnson, 1726 Patterson Avenue, S. W.  
Robert Gravely, 617 Hanover Avenue, N. W.  
Annie Krochalis, 9428 Patterson Drive, Bent Mountain, Virginia  
Angela Norman, 1731 Michael Street, N. W.  
James Croan, 914 Old Country Club Road, N. W.  
Evelyn Bethel, 35 Patton Avenue, N. E.  
Perineller Wilson, 3045 Willow River, N. W.  
Helen Davis, 35 Patton Avenue, N. E.  
Jeff Artis, 1450 Lafayette Boulevard, N. W.  
File #66-70-184**

**Donald Maddox, 3540 Melcher Street, S. E., appeared and expressed concern with regard to the cost of the City's health insurance; and inquired about the closing of the fire station located on Bennington Street and Riverland Road, S. E.  
File #58-66-184**

**Chris Hynes, 405 Arbor Avenue, S. E., and Duane Howard, 508-B Walnut Avenue, S. W., commended City Council for adopting a resolution directing that the Roanoke Star on Mill Mountain shine as a visible symbol of Roanoke's patriotism and pride.  
File #67**